

UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

JIMMY (BILLY) McCLENDON, et al.,

Plaintiffs,

vs.

CIV 95-24 JB /KBM

CITY OF ALBUQUERQUE, et al.,

Defendants.

DECLARATION OF ROBERT MASON

1. My name is Robert Mason. I am over eighteen years of age and competent to testify as to the matters set forth herein.
2. The matters set forth in this declaration are based on my personal knowledge.
3. I am a Sergeant at the Metropolitan Detention Center ("MDC,."). I have worked at MDC for ten years. I was a corrections officer for seven years and I have been a sergeant for approximately three years.
4. At MDC, at least one officer should be assigned to each pod for each shift, and at least one supervisor should be assigned to each housing unit for each shift.
5. When there is a corrections officer assigned to the pod, the officer sits at a desk in the pod where inmates can speak to him or her, he or she can walk around and speak to inmates, and he or she can respond to incidents in the pod.
6. Supervisors are also supposed to do rounds in the pods to observe what is happening and supervisors can assist the corrections officers when problems arise in the pods.
7. Some pods should have more than one corrections officer assigned to them including the Restrictive Housing Unit and the Health Services Unit.
8. I began noticing a change in staffing levels at MDC approximately three years ago. At that time, I noticed that more and more officers were leaving and fewer officers were coming through the academy.
9. Around that time, there were not enough officers to cover each pod during the graveyard shift, so one officer would be assigned to multiple pods. This became fairly routine. There were also not enough supervisors to cover each housing unit, so typically one supervisor would cover multiple housing units. There would be times supervisors would cover all the housing units in one half of the jail, and another would cover all the housing units in the other half of the jail.
10. When an officer is assigned to cover more than one pod, the inmates in that pod are locked down. This means that they cannot come out of their cells. Officers who are covering more than one pod must go between pods and conduct checks every hour on the inmates in each pod to which he or she is assigned.
11. Sometimes, if an officer is covering only two pods at a time, that officer can let inmates out for thirty minutes during a shift. However, this depends if the facility is placed on a facility wide lockdown, if not then the individual officer and supervisor can make a decision to try and let them out for some time; not all officers do this. If an officer is covering more than two pods at a time, he or she typically does not let inmates out of their cells because he or she does not have sufficient time to do this and check on the other pods to which he or she is assigned.
12. Around 2 years ago, it also became common for there not to be enough officers to cover all of the pods on the weekends. As a result, pods were often locked down over weekends. This would mean inmates would often not leave get out of their cells for the entire weekend. They would not be able to shower or call their families.
13. Approximately 2 years ago, having insufficient staff on the weekends happened so often that almost every weekend, inmates had to be locked down in most pods all weekend.
14. Then approximately two years ago, the staffing shortage began affecting weekdays as well. It became common for pods to be locked down on Fridays and/or Mondays as well

EXHIBIT 1

- as on weekends and graveyard shifts due to insufficient staff. This would happen approximately four times a month.
15. This began happening more and more often over the last two years as staffing has decreased until it was common for many pods to be locked down Friday through Monday.
 16. It also became more and more common for one officer to cover three or four pods at a time.
 17. For approximately the last six months, not only are pods locked down all weekend and often on Fridays and Mondays, but this has also been happening on other days of the week as well due to staffing shortages.
 18. Officers cover more than two pods at a time approximately two to three times per week and sometimes four or five times a week.
 19. Supervisors are often covering more than one housing unit at a time. Supervisors have been re-assigned to cover pods, and then there is no one working the supervisor position.
 20. There is insufficient staff to have two officers assigned to the RHU pods, so those pods only have one officer assigned. Over the last six months, sometimes one officer is assigned to cover multiple pods in the RHU.
 21. There is also insufficient staff to have two officers assigned to the intake pods, so there is only one officer is typically assigned.
 22. There should be an officer assigned to be a medical rover during day shifts who escorts detainees to medical appointments. Because of the staffing shortage, this post is usually eliminated so everyone can cover the pods. This means it is more difficult to get detainees to medical for their appointments. When a medical emergency arises, it is difficult to find officers to escort inmates to medical. Officers who escort inmates to medical are being pulled off their break if anyone is on break at the time or pulled away from the pods to which they are assigned or the supervisors will leave their unit to escort the person to medical.
 23. When there is no officers on the pod and inmates are locked down, officers have no way of knowing if an assault occurs unless a detainee tells them about it when they do their checks or they notice that an inmate is injured.
 24. This is also true for medical emergencies. If there is no officer on the pod, if a detainee has a medical emergency, there is no way for an officer to know unless an inmate tells them when they do their checks or if they notice a problems during their checks.
 25. There are call buttons in the cells at MDC. When an officer is assigned to the pod, if a detainee presses his or her call button, it alerts the officer at the desk in the pod. When an officer leaves the pod or the pod is locked down, in the past it had been unclear what happened when detainees pressed their call buttons. If inmates pressed their call buttons and no officer was in the pod, no one typically responded.
 26. Only after the recent murder of detainee Leon Casiquito by his cellmate on October 25, 2021 did MDC administration send out a memo telling staff that calls from the call buttons were sent to the phones in master control and at the shift commander's desks.
 27. Officers and supervisors in the housing units are not assigned to watch the cameras in the pods. There are also no cameras in the cells.
 28. MDC staff are overworked, stress levels are high, and tensions are high. Officers and supervisors have many duties during their shifts, and when they are covering multiple pods or multiple housing units, the work load becomes greater and greater. Officers often express that they are afraid both for their own safety and the safety of the detainees.
 29. Tension is high among the inmates. They are upset about being locked down so frequently. They are often angry and complain because they haven't been able to shower or call their families.
 30. I believe that the staffing shortage at MDC has become a critical problem and has caused unsafe conditions.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 15, 2021

Signed 